



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ashok Singhal et al.
 Assignee: 3PARdata, Inc.
 Title: Node Controller For A Data Storage System
 Serial No.: 09/883,681 Filing Date: June 18, 2001
 Examiner: Mark H. Rinehart Group Art Unit: 2181
 Docket No.: M-8496 US
 (3PD-M-8496 US)

San Jose, California
 May 20, 2003

Mail Stop Petition
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Petition For Revival of An Application For Patent Abandoned Unintentionally
Under 37 C.F.R. §1.137(f)

Dear Sir:

The above-identified patent application went abandoned under 35 U.S.C. §122(b)(2)(B)(iii) on or about July 27, 2002. In accordance with 37 C.F.R. § 1.137(f), Applicant respectfully petitions to revive the above-referenced patent application.

The present petition is accompanied by the following:

(1) The Required Reply

A notification of foreign filing in compliance with 35 U.S.C. §122(b)(2)(B)(iii) is filed concurrently with this petition.

(2) The Petition Fee

The Commissioner is hereby authorized to deduct from Deposit Account No. 502226 the petition fee of \$650.00, being the amount specified in 37 C.F.R. 1.17(m), as indicated in

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MAY 23 2003 Serial No. 09/883,681

OFFICE OF PETITIONS

PATENT LAW
 GROUP LLP
 2635 N. FIRST ST.
 SUITE 223
 SAN JOSE, CA 95134
 (408) 382-0480
 FAX (408) 382-0481

the accompanying transmittal letter. The Commissioner is also authorized to deduct any other amounts required for this petition and to credit any overpayment to Deposit Account. No. 502226.

(3) Background Information and the Required Statement

The present patent application was filed on June 18, 2001 with a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). The non-publication request was rescinded on July 5, 2002, by the filing of a Request to Rescind Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(ii) using PTO form PTO/SB/27.

On June 12, 2002, an European patent application was filed directed to the invention disclosed in the present patent application. The European Patent application requires a publication of the application by eighteen months after filing. Applicant did not notify the USPTO of the filing of the European patent application by the 45 day deadline of July 27, 2002.

The failure to notify the USPTO of the foreign filing was not discovered about April 2003, when the undersigned reviewed a notice entitled "Reminder that Rescission of a Nonpublication Request is Not Itself a Notice of Foreign Filing" posted by the Office of Patent Legal Administration on the USPTO website. The notice states in part that:

The requirement in 35 U.S.C. § 122(b)(2)(B)(iii) for notice of the foreign filing is in addition to any rescission of the nonpublication request under 35 U.S.C. § 122(b)(2)(B)(ii). That is, if an applicant files a counterpart application in a foreign country after having filed an application in the USPTO with a nonpublication request, filing a rescission of the nonpublication request under 35 U.S.C. § 122(b)(2)(B)(ii) without also providing a notice of the foreign filing in a timely manner will result in abandonment of the United States application under 35 U.S.C. § 122(b)(2)(B)(iii).

The undersigned was therefore apprised that the present application was abandoned under 35 U.S.C. § 122(b)(2)(B)(iii) due to the failure to notify USPTO of the foreign filing, even though a Rescission of Non-publication Request was filed in the case prior to any foreign filing.

Required Statement: The entire delay in filing the required reply from the due date for the reply to the filing date of a grantable petition was unintentional.

Accordingly, Applicant respectfully requests that this application be revived. Please direct any questions or comments to the undersigned at (408) 382-0480.

EXPRESS MAIL LABEL NO:

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Respectfully submitted,



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